

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NATHANIEL MORRIS, JR.,

Plaintiff,

v.

BAYHEALTH MEDICAL CENTER,

Defendant.

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CIVIL ACTION NO. 06-290 SLR

JOINT DISCOVERY PLAN

The parties hereby submit their joint discovery plan pursuant to Fed. R. Civ.

P. 26(f).

1. Pre-Discovery Disclosures.

The parties will exchange by **October 12, 2006** the information required by Fed.

R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. Joinder of other Parties and Amendment of Pleadings.

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **December 11, 2006**.

3. Discovery.

(a) Discovery will be needed on the following subjects: plaintiff's employment with Bayhealth, Bayhealth's policies and procedures, plaintiff's complaint of race discrimination and/or the circumstances surrounding the termination of plaintiff's employment, damages, mitigation of damages and other issues. It is not anticipated that either party will present expert witnesses.

(b) All discovery shall be commenced in time to be completed by **June 1, 2007**.

(c) Maximum of twenty-five (25) interrogatories by each party to any other party.

(d) Maximum of twenty-five (25) requests for admission by each party to any other party.

(e) Maximum of five (10) depositions by plaintiff and five (10) depositions by defendant.

(f) Each deposition limited to a maximum of 7 hours unless extended by agreement.

4. Mediation.

Pursuant to 28 U.S.C. §636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement. If the parties agree that the possibilities of a settlement may be enhanced by such referral, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference with counsel and clients.

5. Applications by Motion.

Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

6. Discovery Disputes. Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to two (2) Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

7. **Summary Judgment Motions.**

All summary judgment motions shall be served and filed with an opening brief and affidavits, if any, on or before **July 2, 2007**. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than ten (10) days before the above date without leave of the Court. Answering briefs and affidavits, if any, shall be filed on or before **July 23, 2007**. Reply briefs shall be filed by **August 6, 2007**. If the Court believes that oral argument is necessary, the Court will schedule a hearing Pursuant to Local Rule 7.1.4.


8. **Pretrial Conference.** On January 7, 2008, the Court will hold a Pretrial Conference in Chambers with counsel beginning at 4:30 p.m. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). Thirty (30) days before the joint proposed pretrial order is due, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposes to include in the proposed pretrial order. The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order available on the Court's website on or before **January 2, 2008**. A copy of the joint proposed final pretrial order will be delivered to the Court's Chambers (Room 4324) when the original is filed.

9. **Motions in limine.** No party shall file more than ten (10) motions *in limine*. Opening Briefs on all motions *in limine* shall be filed by **December 10, 2007** and Answering Briefs will be filed on or before **December 17, 2007**. Opening and answering briefs shall not exceed five (5) pages.

10. Trial Date.

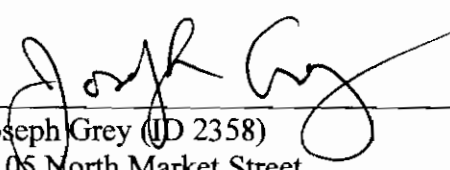
Trial in this case is scheduled to begin on **January 22, 2008**. The parties expect that this case will take three (3) to five (5) days to try.

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SO ORDERED this 24th day of October, 2006


Sue L. Robinson, Chief Judge